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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,735	12/21/2001	Timo Elomaa	367.40942X00	5096

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EXAMINER	
KHOMASSI, NIMA	
ART UNIT	**PAPER NUMBER**
2132	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/023,735	ELOMAA ET AL.	
	Examiner	Art Unit	
	Nima Khomassi	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16,18-30 and 32-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,18-30 and 32-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in regards to Application No. 10,023,735 and is in response to communications: application filed 12/21/01, amendment filed 12/8/05. Claims 15-16, 23, 27-30 are amended. Claims 17 and 31 are cancelled. Claims 38-40 are new. Claims 1-17, 18-30, 32-40 are now pending.

The Examiner requests, in response to this Office action, a showing support for the following: claim language found in the present independent claims 1, 6, 9, 12, 15-16, 18, 32, 35. Claim language added to any present claims on amendment and any new claims. That is, indicate support for claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist in prosecuting the application.

When responding to the Office action, Applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objection made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Security Methods for MP3 Music Delivery by Thorwirth, N.J.; Horvatic, P., Weis, R.; Zhao, Jian. Signals, Systems and Computers, 2000. Conference Record of the Thirty-Fourth Asilomar Conference. Publication Date: 29 Oct. 1 – Nov. 2000. Vol. 2. Pg. 1831-1835. Specifically, see Introduction and last paragraph on pg. 1834 as well as Fig. 4.

Response to Arguments

Applicant's arguments filed 12/8/05 have been fully considered but they are not persuasive. Applicant argues that Ito does not teach "a predetermined level of control" in claim 1. However, Ito does indeed teach this limitation as shown in col. 3, lines 21-22. Ito discloses that "After the ID is imprinted, use of the content such as for displaying or copying is enabled." Ito further states that reading the content without the ID is prevented (col. 3, lines 31-43). As such, the ID of Ito teaches the "predetermined level of control" recited in the claim 1. Further, in col. 3, the paragraph beginning with line 44 teaches that without the ID, the "reading of such content is prevented." Again, Ito is teaching a pre-determined level of control of the content. In addition, Ito teaches that the ID may imprint user and/or PC information which further provides a "pre-determined level of control" which would prevent or allow other users and/or computers from accessing the content (col. 3, lines 18-19). The Applicant also argues that Ito does not teach or suggest the limitation of claim 6 "such that a set of operations of said user interface in relation to said content received into said first memory is permitted by reference to said content." Ito does indeed teach this limitation as shown in col. 3, lines 21-22. Ito discloses that "After the ID is imprinted, use of the content such as for displaying or copying is enabled" (i.e. a set of operations.) Ito further states that reading the content without the ID is prevented (col. 3, lines 31-43). Further, in col. 3, the paragraph beginning with line 44 teaches that without the ID, the "reading of such content is prevented." The Examiner has dutifully given the claims their broadest reasonable interpretation in light of the supporting disclosure. See *In re Zletz*, 893 F.2d

319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.") Also, the Examiner has the right to view claim terms as presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1136 (Fed. Cir. 2003) ("In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art.")

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (herein referred to as Ito), U.S. Patent No. 6,912,652; filed May 4, 1999.

As per claim 1, Ito depict a content distribution control system, comprising a network having at least one terminal connected thereto (col. 3, lines 1-3; Fig. 1), a content creation tool operable to assign indicia representative of a pre-determined level of control of said content (col. 3, lines 16-20; Fig. 2), said content being subsequently made available to said network and said at least one terminal being responsive to said indicia to permit operations in relation to said content received from said network (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

As per claim 2, a system as claimed in Claim 1, including a communications link providing said tool with access to said network (col. 3, lines 14-20; Fig. 2).

As per claim 3, a system as claimed in Claim 1, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).

As per claim 4, a system as claimed in claim 1, wherein said indicia is encrypted (col. 4 lines 6-9; Fig. 2).

As per claim 5, wherein said terminal includes a user interface operable in accordance with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 16-22), said operations including the transfer of said

content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).

As per claim 6, a terminal having a first memory into which content is receivable (col. 3, 54-56), a second memory and a user interface operatively associated with said memories (col. 3, 56-59), such that a set of operations of said user interface in relation to said content received into said first memory is permitted by reference to said content (col. 3, lines 16-22), at least one of said operations permitted by said content being a transfer of said content to said second memory (col. 3, 54-59), wherein a set of operations of said user interface in relation to said same content when received into said second memory is similarly permitted by reference to said content (col. 3, lines 16-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

As per claim 7, wherein said user interface is further operable to identify indicia associated with said content said permitted set of operations being determined therefrom (col. 3, lines 18-22).

As per claim 8, wherein said first memory provides temporary storage of said content (col. 3, lines 49-53).

As per claim 9, a method of creating content for controlled distribution comprises defining indicia representative of respective levels of control of content (col. 3, lines 18-20), determining a level of control appropriate to said content and assigning indicia to said content in accordance with said determination (col. 3, lines 21-22; also see col. 8,

lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

As per claim 10, wherein said control permits at least one of the following operations, namely viewing, storing, deleting and forwarding of said content (col. 3, lines 21-22).

As per claim 11, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).

As per claim 12, a method of receiving content including indicia representative of allowable operations in respect of said content (col. 3, lines 14-20), comprises receiving said content into a first memory (col. 3, lines 49-59), generating a list of allowable operations in relation to said content from said indicia and displaying said list to a user (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

As per claim 13, wherein transfer of said content to a second memory is included in said list of allowable operations (col. 3, lines 21-22).

As per claim 14, wherein said first and second memories are respectively volatile and non-volatile (col. 3, lines 49-59).

As per claim 15, a computer readable medium having stored theron computer executable code for execution when loaded on a computer wherein the computer is operable in accordance with said code for creating content for controlled distribution via perform steps comprising: defining indicia representative of respective levels of control

of content; determining a level of control appropriate to said content; and assigning indicia to said content in accordance with said determination (col. 3, lines 21-22; col. 3, lines 44-48).

As per claim 16, a computer readable medium having stored theron computer executable code for execution when loaded on a computer wherein the computer is operable in accordance with said code for receiving content including indicia representative of allowable operations in respect of said content via performing steps comprising: receiving said content into a first memory; generating a list of allowable operations in relation to said content from said indicia; and displaying said list to user (col. 3, lines 21-22; col. 3, lines 44-48; also see Fig. 3, 4 and 5 step 24).

As per claim 18, a user interface accordance with for a terminal (col. 3, lines 14-16), wherein the interface is operable in an indicia associated with content received by the terminal (col. 3, lines 18-19), said indicia being representative of a pre-determined level of control of content (col. 3, lines 21-22), to permit operations available to a user of said terminal in relation to said content (col. 3, lines 21-22), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

As per claim 19, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).

As per claim 20, wherein said indicia is encrypted (col. 4 lines 6-9; Fig. 2).

As per claim 21, wherein said indicia is encrypted (col. 4 lines 6-9; Fig. 2).

As per claim 22, wherein said terminal includes a user interface operable in accordance with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 14-16), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).

As per claim 23, wherein said terminal includes a user interface operable in according with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 14-16), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).

As per claim 24, wherein said terminal includes a user interface operable in accordance with said indicia to permit operations available to a user of said terminal in relation to said content (col. 3, lines 14-16), said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage (col. 3, lines 49-59).

As per claim 25, wherein said first memory provides temporary storage of said content (col. 3, lines 54-56).

As per claim 26, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).

As per claim 27, the computer readable medium according to claim 15, wherein said control permits at least one of the following operations, namely viewing, storing, deleting and forwarding of said content (col. 3, lines 21-22).

As per claim 28, the computer readable medium according to claim 15, wherein content including said indicia is placed in a payload portion of a datagram (col. 4, lines 6-9).

As per claim 29, the computer readable medium according to claim 16, wherein transfer of said content to a second memory is included in said list of allowable operations (col. 3, lines 21-22).

As per claim 30, the computer readable medium according to claim 16, wherein said first and second memories are respectively volatile and non-volatile (col. 3, lines 49-59).

As per claim 32, a method of controlling distribution of content (col. 1, lines 31-32), comprising the steps of determining a level of distribution of content to be distributed (col. 3, lines 21-22), said level representing permitted uses of said content (col. 3, lines 21-22); and controlling distribution of said content by setting an indicia (col. 3, lines 21-22), corresponding to said content, to a state indicative of said level determined by said determining step (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

As per claim 33, wherein said content to be distributed and said indicia are included in a datagram (col. 4, lines 6-9).

As per claim 34, wherein said indicia is a bit included in said datagram that has been set to a predetermined state corresponding to said level (col. 2, lines 3-5).

As per claim 35, comprising the steps of: receiving content and indicia corresponding to said content (col. 2, lines 3-5), said indicia being indicative of a level of distribution of said content (col. 3, lines 19-22), wherein said level represents permitted uses of said content (col. 3, lines 21-22); and in response to said indicia corresponding to said content, controlling use of said content such that said use is one of said permitted uses (col. 3, lines 21-22; also see col. 8, lines 12-18 as the embodiment described therein applies to the claim limitations of this application wherein the ID is imprinted on the content provider end).

As per claim 35, wherein said content and said indicia corresponding to said content are included in a datagram (col. 4, lines 6-9).

As per claim 37, A method as claimed in claim 36, wherein said indicia corresponding to content is a bit included in said datagram that has been set to a predetermined state (col. 2, lines 3-5).

As per claim 38, the method of claim 11, wherein the content forms a single message (Fig. 1, 3, and 6; content is sent over the network in a single message as the indicia is imprinted within the content).

As per claim 39, the method of claim 38, wherein the single message includes a message known as a short message (SM) (Fig. 1 and col. 3, 1st paragraph; PDA equipped to receive short messages).

As per claim 40, the method of claim 38, wherein said data gram includes the entire single message (Fig. 1, 3, and 6; content is sent over the network in a single message as the indicia is imprinted within the content).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications should be directed to Nima Khomassi whose telephone number is (571) 272-3775. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is 571-273-8300. On July 15, 2005, the Central Facsimile (FAX) Number changed from 703-

872-9306 to 571-273-8300. As of September 15, 2005, the former is no longer in service; the latter is the only facsimile number recognized for centralized delivery.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nima Khomassi
January 27, 2006
Art Unit #2132

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